

11/12/99
U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification Prior Application:
of this Application: Exam'r: Not Yet Known
Class _____ Subclass _____

Attorney's
Docket No.: Enz-58(Div1)
Group Art Unit: Not Yet Known
Prior Group Art Unit: 1634

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09/435594
11/12/99

FILED BY EXPRESS MAIL

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231 **BOX FWC (if under \$1.62)**

Sir:

This is a request for filing a CONTINUATION DIVISIONAL CONTINUATION-IN-PART application under X 37 CFR §1.60 37 CFR §1.62, of pending prior application Serial No. 09/104,067 filed on June 24, 1998 of

Elazar Rabbani et al.
Inventor(s)

for: **NOVEL PROCESSES FOR AMPLIFYING NUCLEIC ACID,
POST-TERMINATION LABELING PROCESS FOR NUCLEIC ACID
SEQUENCING AND PRODUCING NUCLEIC ACID
HAVING DECREASED THERMODYNAMIC STABILITY**

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. X A copy of the verified statement under 37 CFR §1.9 and §1.27 establishing small entity status in the prior application is enclosed. Small entity status is still applicable.
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT									
					RATE			FEE	
	Number Filed		Number Extra		Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	1	=	0	x	\$ 9	\$ 18	=	\$ 0	\$ ---
Independent Claims	1	=	0	x	\$ 39	\$ 78	=	\$ 0	\$ ---
Multiple Dependent Claims Presented:	Yes	No			\$130	\$260		\$	\$ ---
* If the difference in Col. 1 is less than zero, enter "0" in Col.2						BASIC FEE		\$380	\$760---
						TOTAL FEE		\$380	\$ ---

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No <u>EL522278744US</u>	
Deposit Date <u>NOVEMBER 12, 1999</u>	
<p>I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231</p> <p style="text-align: right;"><i>[Signature]</i></p> <p style="text-align: right;">Nov 12 99</p> <p style="text-align: right;">Ronald C. Fedus Reg. No. 32567</p>	

Attorney's Docket No. Enz-58(D1)

4. The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 CFR §1.16.
- Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.
- Any patent application processing fees under 37 CFR §1.17.
- The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- Any filing fees under 37 CFR §1.16 for presentation of extra claims.
6. A check in the amount of \$ _____ is enclosed.
7. Cancel claims 2-59.
8. Amend the specification by inserting before the first line of the sentence: ---- This is a _____ continuation, divisional, _____ continuation-in-part, of application Serial No. 09/104,067, filed on June 24, 1998. ---
9. Transfer the drawings from the prior application.
10. Informal Formal _____ drawings are enclosed.
11. Abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
12. Priority of application Serial No. _____ filed on _____ is claimed under 35 U.S.C. §119. The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.
13. The prior application is assigned of record to Enzo Diagnostics, Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York, New York 10022. [A copy of the originally submitted Assignment and the Notice of Recordation are enclosed herewith.]
14. A preliminary amendment is enclosed.

15. The power of attorney in the prior application is to:
Ronald C. Fedus, Reg. No. 32,567.

- (a) The power appears in the original papers in the prior application.
- (b) Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) A copy of a new substitute power of attorney is enclosed.
- (d) Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.
Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Floor)
New York, New York 10022

16. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/104,067, filed on June 24, 1998.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

November 12, 1999

Date



Ronald C. Fedus
Registration No. 32, 567
Attorney for Applicants
Inventor(s)
 Assignee of Complete Interest
 Attorney or Agent of Record
 Filed under 37 CFR §1.34(a)

Address of Signator:
Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Floor)
New York, New York 10022